IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2182 of 2007()

C.R.No.8/2007 of KOZHIKODE EXCISE RANGE

PETITIONER/ACCUSED

JAYAPRAKASH, S/O NANU,
CHEROTT HOUSE, WEST HILL P.O., KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE

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1. THE EXCISE INSPECTOR,
EXCISE RANGE, KOZHIKODE.

2. STATE REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI FIROZ K.M.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

B.A.No.2182 of 2007

Dated this the 17th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in C.R. No.8/2007 of Kozhikode Excise Range. The offence alleged against him is under Section 55(a) of the Kerala Abkari Act.

3. The petitioner moved an application for bail before the Court of Judicial Magistrate of the First Class-IV, Kozhikode, but the same was dismissed by the order dated 24/03/2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned learned counsel for the petitioner that the petitioner

is in judicial custody from 23/03/2007 onwards. The prosecution allegation is that the petitioner ran away from a place where a car hit against a lorry. On inspection of the car, 132 bottles of Indian Made Foreign Liquor were found. It is submitted by the learned Public Prosecutor that the investigation is over.

In the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs40,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class-IV, Kozhikode.

(K.T.SANKARAN)
JUDGE

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